

Use of Ombudsman in State Government -- Options

Government Operations Interim Committee 2007

What problem are we trying to solve?

Citizens may often be at a loss on how to obtain certain specialized state government services, especially when the answers they receive are incomplete or in error. In some cases appealing to an agency head brings the needed relief, but an agency head may tend to act primarily in their own agency's interest. Should the state do more in providing help to its citizens with the provision of government services?

What is an ombudsman?

An ombudsman typically provides information, investigation, and mediation to assist citizens and agencies related to resolving disputes with the provision of government services.

Option	Explanation	Pros	Cons	Notes
1. Consolidate state funded ombudsman type functions into a single state agency	<ul style="list-style-type: none">Four ombudsman are created in Utah statute:• a property rights ombudsman;• a long-term care ombudsman;• a child protection ombudsman; and• an obscenity and pornography complaints ombudsman (position not filled). A chief ombudsman could be appointed to manage resources and make recommendations for additional FTE's to cover additional areas of government as needed.	<ul style="list-style-type: none">• The public may benefit from having additional areas of government services covered by ombudsman Consolidation• may result in efficiencies• Provides a single point of contact for citizens	<ul style="list-style-type: none">• Ombudsman must have a high level of expertise in the areas they cover -- expanding their role to new areas may dilute their effectiveness• Not all ombudsman perform the same functions and in some cases provide very different services, e.g. legal services• Additional funding will:<ul style="list-style-type: none">• be needed to expand the function to new areas• likely be needed to consolidate the functions because administrative expenses may not be readily transferable to the new office	In 2006, the property rights ombudsman was transferred from The Department of Natural Resources to The Department of Commerce. In that process, additional functions and FTE's were added. The budget went from approximately \$151,000 to \$455,000 (see fiscal note to S.B. 268 Property Rights Ombudsman).

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2. Allow or require all state departments and divisions to designate an ombudsman and to offer ombudsman services as requested	<p>As needed, members of the public who have exhausted normal processes for obtaining agency help, could be directed to a designated ombudsman. The ombudsman could be an existing deputy who performs the ombudsman role and would delegate ombudsman functions to employees as needed.</p>	<ul style="list-style-type: none"> Bureaucracies should have effective ways to help the public obtain legitimate public services This would establish a knowledgeable ombudsman in every area 	<ul style="list-style-type: none"> Using a deputy or having an existing employee do double-duty as an ombudsman creates an inherent conflict of interest Hiring an independent ombudsman for each agency or having an employee work full-time as an ombudsman will be expensive Requiring gets it on the books immediately 	<p>The decision to allow or to require these services is a significant one.</p> <ul style="list-style-type: none"> Allowing offers the benefit of educating the agencies, conscientious agency heads can run with it as desired and needed
3. Require the governor to designate a state ombudsman to address issues that could not be resolved at the department level			<p>Citizens could be better served by establishing a formalized process to have departments be more accountable to resolve issues within their responsibilities</p>	<p>This function is probably already being done to some extent.</p> <ul style="list-style-type: none"> Cost of additional staff in the governor's office; and Cost of further review and reporting by the departments.

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4. Require all state departments to have ombudsman-like processes in place for all of its services	<p>In order to provide public services fairly, efficiently, and effectively. It follows that the services should include reasonable processes to address the concerns of citizens whose expectations have not been met</p>	<p>Some agencies may not have these policies in place</p>	<p>General oversight may be difficult</p>	<p>From a department's statutory duties, to the hiring of the department head and department employees, this value could be built into the culture of the department</p>
5. Provide ombudsman functions in specific areas of state government as the need arises	<p>This is a continuation of the status quo with a recognition that advocates, legislative sponsors, and legislative committees may pursue legislation on the topic as desired</p>	<ul style="list-style-type: none"> • Ombudsman are appointed only in those areas with the most need • Less costly than "blanket" requirements 	<p>Under served areas that do not have legislative influence may not get relief</p>	<p>This year, advocates have suggested an ombudsman function may be warranted in at least three areas:</p> <ul style="list-style-type: none"> • Child welfare; • Water rights; and • School districts

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6. Use the existing statewide 2-1-1 phone system and call center for the public to: 1) identify the correct agency to contact for questions and information and 2) to obtain the correct phone number	This option could be coupled with any other option listed above to assist the public.	Provides a single point of contact for citizens	Costs of expanding the program and means of oversight are currently unknown	A 2-1-1 information and referral call center is currently operating in Utah as a statewide program of Utah Food Bank Services. This call center directs callers to the appropriate agency/organization for their questions and issues. Government and private sources provide funding.